

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

26302

FILE: B-212937

DATE: September 21, 1983

MATTER OF: Dresser Industries, Inc.

DIGEST:

Protest of sole-source award is untimely when filed more than 2 months after sole-source negotiations were announced in Commerce Business Daily (CBD), since protester is charged with constructive notice of CBD announcement and protest was not filed within 10 working days after basis of protest was known or should have been known as required by GAO Bid Protest Procedures.

Dresser Industries, Inc., protests the proposed negotiation of a sole-source contract with the Terex Corporation by the U.S. Marine Corps.

The protest is untimely. Our Bid Protest Procedures require that protests be filed with our Office or the contracting agency within 10 working days after the basis of the protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(b)(2) (1983). A synopsis published in the June 30, 1983 Commerce Business Daily (CBD) stated that the Marine Corps was conducting negotiations with Terex. Protesters are charged with constructive notice of announcements published in the CBD. Scripto, Inc., B-209450, November 9, 1982, 82-2 CPD 431. Therefore, Dresser was put on notice of the facts giving rise to its protest by the June 30 announcement. Dresser did not protest here until September 6. Therefore, the protest is untimely and will not be considered. See Welbilt Electronic Die Corporation, B-208227, October 12, 1982, 82-2 CPD 326.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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